

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Trevis Reid,

Case No. 3:05CV7183
3:03CV7741

Plaintiff

v.

ORDER

Rexam Beverage Can Company,

Defendant

These are consolidated employment discrimination cases in which the defendant, following entry of summary judgment in its favor, has filed its bill of costs,. The plaintiff has filed his objection, in response to which the defendant has filed a reply.

A principal basis for plaintiff's objection is that, according to his affidavit, his sole source of income is monthly social security benefits. Defendant points out, however, that plaintiff has paid the \$455 filing fee to maintain an appeal.

The Sixth Circuit has held that, "when a party claims indigency, this court requires a determination of his or her capacity to pay the costs assessed." *Sales v. Marshall*, 873 F.2d 115, 120 (6th Cir. 1989).

Because it appears that the plaintiff may have sources of support, even though, perhaps, not technically "income," this court shall, in accordance with the directive of *Sales*, conduct a hearing to assess the extent to which, in light of all the applicable circumstances, costs should properly be assessed against the plaintiff.

It is, therefore

ORDERED THAT the a hearing is scheduled for October 16, 2006 at 2:30 p.m., at which time the plaintiff shall show cause why an award of costs should not, due to his financial condition, not be made against him.

So ordered.

s/James G. Carr
James G. Carr
Chief Judge